

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6717 of 2021

- Ali Ahamad S/o Moh. Khalil, Aged About 29 Years, R/o - Lurgi, P.S. Pasta, District - Balrampur-Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through, Police Station - Pasta, District - Balrampur Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri A.K. Yadav, Advocate.

For Non-applicant/State – Shri Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-10-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 17-10-2020 in connection with Crime No.84/2020 registered at P.S. - Pasta, District - Balrampur Ramanujanj, Chhattisgarh for the offence under Section 451, 354(A), 506(B), 323 of the IPC and Section 7/8 of Protection of Children from Sexual Offences Act, 2012 (as per charge framed).
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 17-10-2020. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. The prosecutrix is virtually present through the Help Desk of DLSA Balrampur. She has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on the date of incident this applicant committed house trespass in the house of the minor prosecutrix aged about 14 years and by making use of physical force he outraged her modesty, caused simple hurt by slapping and also gave threatening and then he fled, regarding which the FIR has been lodged.

7. Considered on the submissions. Perused certified copy of the deposition of the prosecutrix, which shows that she has not supported the prosecution case, hence, under these circumstances I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge